In the High Court of Punjab and Haryana, Chandigarh

CWP No. 16114 of 2006

Date of Decision: October 12, 2006

Suresh Kumar Goyal and others

…Petitioners

Versus

State of Haryana and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. S.P. Laler, Advocate,
for the petitioners.

JUDGMENT

M.M. KUMAR, J. (Oral)

This petition filed under Article 226 of the Constitution prays for issuance of a writ in the nature of certiorari declaring Rule 9 (b)(i) and (ii) of the Haryana State Education (School and Institution Cadre) (Group B) Service Rules, 1998 ultra vires of Articles 14 and 16 of the Constitution, inasmuch as, the aforementioned Rule prescribes that in the case of Principal/Senior Specialist, recruitment shall be made 30% by promotion from amongst the Headmasters of High School as per roster given in Appendix E and 45% from amongst the Lecturers, as per roster given in Appendix E. A further prayer has been made for issuance of directions to the respondents to

prepare common joint seniority list of all eligible categories i.e. Lecturers Male, Lecturers Female, Headmasters Male and Headmistresses (Female) for promotion to the post of Principals/Senior Specialist and to promote Principals from all eligible categories on the basis of length of service or to fix the percentage/quota of promotion as Principals from Headmasters and Lecturers on the basis of ratio of total strength of Headmasters and Lecturers as existing on 1st of January of each year. It is appropriate to mention that before approaching this Court, the petitioners have sent a detailed representation dated 30.8.2006 (P-8), which is pending consideration of the respondents.

In view of above, without going into the merit of the case, we deem it just and appropriate to direct the respondents to take cognizance of the representation dated 30.8.2006 (P-8) sent by the petitioners and decide the same expeditiously preferably within a period of four months from the date a certified copy of this order is presented to them. It shall be appreciated if a speaking order is passed.

Petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

October 12, 2006
Pkapoor